

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

CORNELL PHILLIPS and KELVIN DOSS

PLAINTIFFS

v.

CIVIL ACTION NO. 3:17-cv-682-CWR-LRA

NISSAN NORTH AMERICA, INC., et al.

DEFENDANTS

MOTION FOR IN-PERSON STATUS CONFERENCE AND OTHER RELIEF

Nissan North America, Inc., Martin Baker, and Brad Fortney (collectively, “Defendants”) hereby move for an in-person status conference and for other relief, as follows:

1. On April 17, 2018, the Court entered a text-only order advising that a hearing would be held on Defendants’ pending Motion to Compel [Doc. 84] and other pending motions, and that relevant deadlines would be re-set by the Court upon completion of briefing. Plaintiffs’ response to the Motion to Compel was due on April 23, 2018, but no response has been filed. Nor have Plaintiffs served verified, complete discovery responses or responded to Defendants’ proposal to resolve the Motion to Compel by agreement. *See* Doc. 90-1.

2. The following motions impacting the parties’ discovery obligations are also currently pending in this action: (1) Defendants’ Motion to Sever [Doc. 25]; (2) Defendants’ Motion to Strike and Exclude Individuals as Witnesses and for Additional Relief [Doc. 62]; (3) Plaintiffs’ Motion for Extension to File Expert Witnesses and Individuals [Doc. 65]; (4) Plaintiffs’ Motion for Leave to Amend Complaint [Doc. 67]; (5) Defendants’ Motion to Strike and Opposition to Plaintiffs’ Motion for Leave to Amend [Doc. 73]; and (6) Defendants’ Motion to Compel [Doc. 84]. The Court’s resolution of these motions will significantly impact the amount

of time necessary to complete discovery, the parties' discovery obligations, and dispositive motion practice.

3. In addition to the discovery-related issues raised in the parties' outstanding motions, Plaintiffs' counsel has recently advised that Plaintiff Kelvin Doss is suffering from kidney failure following a heart attack and cannot give his deposition in the case at this time. *See* Doc. 89 at 8; Doc. 82-1 at 4. Plaintiffs have not provided any estimation as to when Mr. Doss will be in a position to be deposed. Until Mr. Doss's situation is clarified and resolved, it is impossible to determine how or when discovery in this case may be completed.

4. Defendants respectfully submit that an in-person status conference on the pending motions, as contemplated originally by the Court in its April 17, 2018 order, would be helpful in fashioning a plan to address remaining discovery items.

5. In addition, and out of an abundance of caution, Defendants submit that good cause exists for a stay of the current May 1, 2018 discovery deadline, the current May 15, 2018 dispositive and *Daubert* motion deadline, and other pre-trial deadlines until the discovery-related motions and other scheduling issues addressed herein are resolved.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that the Court set an in-person status conference to address pending motions affecting discovery and stay the currently set discovery, dispositive/*Daubert* motion deadline, and other pre-trial deadlines until the above-referenced discovery issues are resolved. Due to the straightforward nature of this motion, Defendants respectfully request that they be relieved of the briefing requirement set forth in Uniform Local Rule 7(b)(4).

RESPECTFULLY SUBMITTED, this the 1st day of May, 2018.

**NISSAN NORTH AMERICA, INC., MARTIN
BAKER, AND BRAD FORTNEY**

By: /s/ Emily G. Barr
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*Counsel for Nissan North America, Inc., Martin
Baker, and Brad Fortney*

CERTIFICATE OF SERVICE

I certify that today I electronically filed this foregoing document with the Clerk of Court using the CM/ECF system, which sent notification of such filing to the following:

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This the 1st day of May, 2018.

/s/ Emily G. Barr
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